

The 14th October, 1974

No. 9376-41.ab-74/32498.—In pursuance of the provisions of Section 17 of the Industrial Disputes Act, 1947 (Act No XIV of 1947), the Governor of Haryana is pleased to publish the following award of the Presiding Officer, Industrial Tribunal, Faridabad in respect of the dispute between the workmen and the management of M/s Metal Box Company of India Ltd., Faridabad.

BEFORE SHRI O. P. SHARMA, PRESIDING OFFICER, INDUSTRIAL TRIBUNAL,
HARYANA, FARIDABAD

Reference No. 66 of 1972

between

THE WORKMEN AND MANAGEMENT OF M/S METAL BOX COMPANY OF INDIA
LTD., FARIDABAD

Present :

Nemo, for the workmen.
Shri Jagdip Singh, for management.

AWARD

The following dispute between the management of M/s Metal Box Company of India Ltd., Faridabad and its workmen was referred for adjudication to this Tribunal,—*vide* order No. ID/FD/72/39446, dated 13th November, 1972 of the Governor of Haryana, in exercise of the powers conferred by clause (d) of sub-section (1) of section 10 of the Industrial Disputes Act, 1947.

Whether the workers are entitled to any wages for the period of lock out declared by the management from 31st July, 1972 to 14th August, 1972 ? If so, with what details ?

The parties put in their respective pleadings. The management contended that as a matter of fact the workmen in the factory had resorted to tool down strike which was illegal and had been prohibited by the Government but in spite of that they continued indulging in illegal activities with the result that the management had no alternative but to lock out the factory and in the circumstances the workmen concerned were not entitled to the wages concerned for the period in question.

In spite of getting suitable adjournments the workmen have not filed any replication denying the above allegations of the management. They have further elected not to appear in person or through their authorised representative to pursue their claim. The case has, therefore, been proceeded *ex-parte* against them.

Shri Jagdip Singh, Personnel Manager of the company has made his statement on oath in support of the above plea raised on behalf of the management in the written statement. He has deposed in clear words that the workmen had resorted to tool down strike which was illegal and the Government had also prohibited the same but in spite of all this there had been indulging in illegal activities like stopping and sabotaging the machines, hooting and shunting and they were not attending to their duties properly. He has further stated that, in the circumstances, the management had no alternative but to lock out the factory. He has also referred to a settlement subsequently arrived at between the management and the workmen on 15th August, 1972 before the Deputy Labour Commissioner-Cum-Conciliation Officer, Haryana, Camp Faridabad under section 12(3) of the Industrial Disputes Act, 1947 wherein the workmen had admitted having gone on tool down strike. The lock out was lifted under the said settlement.

From the facts discussed above it would appear that the workmen concerned who had themselves resorted to tool down strike are not entitled to the dues claimed for the period in question when the management had been forced by them to declare the lock out in the factory. They can not take advantage of their own wrong and apparently that is why they are not coming forward to pursue their claim.

For the reasons aforesaid, the issue involved is decided against the workmen and it is held that they are not entitled to the wages for the period in question as claimed by them. The award is made accordingly but there will be no order as to costs.

Dated the 8th October, 1974.

O. P. SHARMA,
Presiding Officer,
Industrial Tribunal, Haryana,
Faridabad.

No. 1160 dated, 8th October, 1974

Forwarded (four copies) to the Secretary to Government, Haryana, Labour and Employment Departments, Chandigarh, as required under section 15 of the Industrial Disputes Act, 1947.

Dated 8th October, 1974.

O. P. SHARMA,
Presiding Officer,
Industrial Tribunal, Haryana,
Faridabad.